

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
D E P A R T M E N T O F H E A L T H



Safe and Healthy Lives in Safe and Healthy Communities

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
DEPARTMENT OF HEALTH,
BOARD OF MEDICAL LICENSURE
AND DISCIPLINE

C95-270

In the matter of:
Michael R. Heru, M.D.

CONSENT ORDER

A notification of the National Practitioner Data Bank from the Naval Hospital, Groton, Ct., which Restricted the clinical privileges of Michael R. Heru, M.D., (hereinafter referred to as "the Respondent"), was filed with the Board of Medical Licensure and Discipline (hereinafter referred to as "the Board"). The notification alleged violations of §5-37-5.1 of the General Laws of the State of Rhode Island, 1956, as amended. Subsequently, on December 16, 1997, the State of Rhode Island was notified by the State of Connecticut, Department of Public Health, Bureau of Regulatory Services, of its final disposition of the matter.

The Respondent is a physician licensed to practice medicine in the State of Rhode Island.

The following constitutes the Investigating Committee's Investigative Findings.

Investigative Findings

1. The Department of the Navy, Bureau of Medicine and Surgery, notified the National Practitioner Data Bank and the Board of Medical Licensure and Discipline, that it had Restricted the clinical privileges of the Respondent at the Naval Hospital, Groton, Connecticut.

2. The reason stated on the reporting form is as follows:

"Dr. Heru's clinical privileges were limited for falsely documenting procedures/examinations he did not perform."

3. The State of Connecticut found that the above facts were grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-13c(4).

4. The Board of Medical Licensure and Discipline finds that the facts presented by the Department of the Navy, Bureau of Medicine and Surgery and the action taken by the State of Connecticut are grounds for disciplinary action in Rhode Island pursuant to R.I.G.L. §5-37-5.1(8) and (21).

The parties agree as follows:

(1) The Respondent is a physician licensed and doing business under and by virtue of the Laws of the State of

Rhode Island, allopathic license No. 8125.

(2) Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

(3) Respondent has read this Consent Order and understands that it is a proposal of Investigating Committee II of the Board and is subject to the final approval of the Board. This Consent Order is not binding on respondent until final ratification by the Board.

(4) Respondent hereby acknowledges and waives:

- a. The right to appear personally or by counsel or both before the Board;
- b. The right to produce witnesses and evidence in his behalf at a hearing;
- c. The right to cross examine witnesses;
- d. The right to have subpoenas issued by the Board;
- e. The right to further procedural steps except for specifically contained herein;
- f. Any and all rights of appeal of this

Consent Order;

- g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;
- i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.

(5) If the Consent Order is not accepted by the Respondent, the Investigative Committee will recommend to the Board that an Administrative Hearing be scheduled with respect to any and all acts of alleged unprofessional conduct.

(6) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.

(7) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board. It shall be published as the Board, in its exercise of its discretion, shall determine.

(8) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.

(9) Respondent's license shall be suspended for a period of (1) month with said suspension immediately stayed. Within six months of the effective date of this Consent Order, Respondent shall successfully complete and provide proof of completion to the satisfaction of the Board, coursework pre-approved by the Board, on medical ethics and preparation of medical records. This course, "Professional Problem Based Ethics" shall be taken at The Ethics Group, Summit, New Jersey.

(10) The Respondent's license shall be placed on probation for a period of three (3) years under the following terms and conditions:

(a) Respondent shall provide his chief of service, employer, partner and/or associate or any hospital, clinic, partnership and/or association at which he is employed or with which he is affiliated or has privileges throughout the probationary period, with a copy of this Consent Order.

(b) Respondent agrees to provide quarterly reports from his employer for the entire period of probation, stating that Respondent is practicing with reasonable skill and safety.

(11) All correspondence and reports are to be addressed:

Nikki Deary
Deputy Chief Administrative Officer
Board of Medical Licensure and Discipline
3 Capitol Hill - Room 205
Providence, RI 02908

(12) All quarterly reports required by the terms of this Consent Order shall be due on the tenth business day of each month beginning the next quarter.

(13) The Respondent shall pay all costs necessary to comply with this Consent Order including, but not limited, coursework and fees.

(14) The Respondent shall pay an Administrative Fee of Five Hundred (\$500) Dollars to the Board within sixty days of ratification of this Consent Order.

Signed this 30th day of Dec 1997.

Michael R. Heru
Michael R. Heru, M.D.

Ratified by the Board of Medical Licensure and Discipline at a meeting held on January 14, 1997.

Patricia A. Nolan M.D., MPH
Patricia A. Nolan M.D., M.P.H.
Chairperson
Board of Medical Licensure and
Discipline